

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID ALAN COHEN,

Defendant.

Case No. 2:17-cr-00114-APG-CWH

**REPORT AND RECOMMENDATION**

Presently before the court is pro se defendant David Alan Cohen's Motion for Return of Property and for Suppression of Evidence (ECF Nos. 231, 232), filed on June 14, 2018. The government filed a response (ECF No. 233) on the same date. Defendant did not file a reply.

Defendant moves for the return of a laptop that was seized from his home, arguing that it belongs to his daughter, that it contains many personal videos and photographs, and that government forensic examiners have determined that it does not contain any illegal material. He further argues that any evidence on the laptop should be suppressed under the Fourth Amendment. The government responds that the motion is untimely, that the indictment that was returned in April of 2017 contains forfeiture allegations, and that defendant does not have standing to assert his daughter's Fourth Amendment rights.

The pretrial motions deadline in this case expired on May 14, 2017. (Order Regarding Pretrial Procedure (ECF No. 42).) On June 6, 2018, the court held a *Faretta* hearing in which the court granted defendant's motion to represent himself. (Mins. of Proceedings (ECF No. 225).) At that hearing, the court advised defendant that the motions deadline had expired. Regardless, defendant's motion does not articulate good cause for the late filing of the motion as required by Rule 12(c)(3) of the Federal Rules of Criminal Procedure. Based on the information provided, the court cannot ascertain any new information or change in circumstances that would constitute good cause for the late filing of this motion. The court therefore will recommend that the motion be denied as untimely.

1 IT IS THEREFORE RECOMMENDED that defendant David Alan Cohen's Motion for  
2 Return of Property and for Suppression of Evidence (ECF Nos. 231, 232) be DENIED.

3 **NOTICE**

4 This report and recommendation is submitted to the United States district judge assigned  
5 to this case under 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation  
6 may file a written objection supported by points and authorities within fourteen days of being  
7 served with this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely  
8 objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951 F.2d  
9 1153, 1157 (9th Cir. 1991).

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11 DATED: July 18, 2018

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14 C.W. HOFFMAN, JR.  
15 UNITED STATES MAGISTRATE JUDGE  
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